

O
R
I
G
I
N
A
LFREDDIE GENE CRUZ 096458

Name and Prisoner/Booking Number

ARIZONA STATE PRISON YUMA-CIBOLA

Place of Confinement

P.O. Box 8820

Mailing Address

SAN LUIS ARIZONA 85349

City, State, Zip Code

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input checked="" type="checkbox"/> COPY
SEP 24 2014	
CLERK U S DISTRICT COURT	
DISTRICT OF ARIZONA	
B DEPUTY	

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

FREDDIE GENE CRUZ,
 (Full Name of Plaintiff) Plaintiff,
)
 vs.
)
 (1) THE CITY OF PHOENIX;,
 (Full Name of Defendant))
 (2) CITY OF PHOENIX POLICE DEPT.,
)
 (3) POLICE OFFICER TODD GUILFORD,
)
 (4) POLICE OFFICER RICHARD FURMAN.
)
 Defendant(s).
 Check if there are additional Defendants and attach page 1-A listing them.

CV-14-02129-PHX-PGR(BSB)**CASE NO.**

(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT**BY A PRISONER****"JURY TRIAL DEMANDED"**

- Original Complaint
 First Amended Complaint
 Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

 28 U.S.C. § 1343(a); 42 U.S.C. § 1983 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). Other: _____2. Institution/city where violation occurred: 4TH AVENUE JAIL / PHOENIX POLICE DEPT / CITY OF PHOENIX**550/555**

B. DEFENDANTS

1. Name of first Defendant: TODD GUILFORD #8083. The first Defendant is employed as: CITY OF PHOENIX PATROL OFFICER at SOUTHEMOUNTAIN PRECINCT.
(Position and Title) (Institution)
2. Name of second Defendant: RICHARD FURMAN #8068. The second Defendant is employed as: CITY OF PHOENIX PATROL OFFICER at SOUTHEMOUNTAIN PRECINCT.
(Position and Title) (Institution)
3. Name of third Defendant: GARY VFRIBUNG. The third Defendant is employed as: ATTORNEY %/CITY OF PHOENIX at CITY CLERK DEPARTMENT.
(Position and Title) (Institution)
4. Name of fourth Defendant: _____ . The fourth Defendant is employed as:
_____ at _____.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If yes, how many lawsuits have you filed? 3. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: FREDDIE GENE CRUT v. DAMIAN BAYNES
 2. Court and case number: SUPERIOR COURT OF ARIZONA CV-13-2784 PHX-PGR (SPL)
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) WAS DISMISSED

 - b. Second prior lawsuit:
 1. Parties: FREDDIE GENE CRUT v. CITY OF PHOENIX
 2. Court and case number: SUPERIOR COURT OF ARIZONA CV-14-00895
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) STILL PENDING
ANCTION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE UNDER RULE 41(a)

 - c. Third prior lawsuit:
 1. Parties: FREDDIE GENE CRUT v. DAMIAN BAYNES
 2. Court and case number: SUPERIOR COURT OF ARIZONA CV-14-010268
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) STILL PENDING

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: U.S. CONSTITUTION 4TH AMENDMENT; PROHIBITION AGAINST UNREASONABLE SEARCHES AND SEIZURES.

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.

- | | | |
|--|---|--|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>ILLEGAL SEARCH AND SEIZURES.</u> |

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THIS IS A CIVIL ACTION AUTHORIZED BY U.S.C. SECTION 1983 TO REDRESS OR ESTABLISH THAT PLAINTIFF WAS DEPRIVED OF A RIGHT SECURED BY THE CONSTITUTION OR LAW OF THE UNITED STATES AND THAT THE ALLEGED DEPRIVATION WAS COMMITTED UNDER COLOR OF STATE LAW. THIS INVOLVES A CASE THAT WAS ON GOING FROM OCT. 19, 2011 TO THE FINAL DISPOSITION OF JUDGMENT BY A SUPERIOR COURT JUDGE STATING THE CASE DISMISSED - FULL CR2012119438-C01 ON 05/02/2014 FACTS OF VIOLATION OF THE U.S.C. 4TH AMENDMENT OF ILLEGAL SEARCH AND SEIZURE COMMITTED BY SAID DEFENDANT'S CITY OF PHOENIX POLICE OFFICER'S TONI GUILFORD #8083 AND RICHARD FURMAN #8068. BOTH ARE CITY OF PHOENIX POLICE OFFICERS THAT ARE RESPONSIBLE FOR THE PROTECTION AND SERVICE OF THE CITIZENS IN MARICOPA AND THE CITY OF PHOENIX. PLAINTIFF IS ALLEGING THAT DEFENDANTS TONI GUILFORD AND RICHARD FURMAN SPREAD LEANED THE INVESTIGATION AND ASSISTED IN THE PROSECUTION OF THE CHARGES IN COUNT (1) POSSESSION OF A DANGEROUS DRUG AND (1) COUNT DRUG PARAPHERNALIA ON OCT. 19, 2011 DEFENDANT TONI GUILFORD RECRUITED IN CR. 2011-01807002 WHILE ON "ROUTINE" PATROL WITH DEFENDANT RICHARD FURMAN AT ABOUT.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

FALSE ARREST, FALSE IMPRISONMENT, LOSS OF SUPERIOR HEATING AND COOLING, LOSS OF TATTOO BUSINESS AND TATTOO EQUIPMENT, AND MENTAL ANGUISH, AND SLANDER.

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count I? Yes No
- c. Did you appeal your request for relief on Count I to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THIS WAS AN ONGOING CASE AND I COULDNT FILE A CLAIM UNTIL THE FINAL JUDGMENT OF THE CASE ON 5/22/2014 WHICH I FILED A CLAIM WITH THE CITY OF PHOENIX RISK MANAGEMENT CITY FILE #14-C156-C01 CLAIM WAS DENIED ON 9/16/2014

12:42 A.M. BOTH DEFENDANTS OBSERVED PLAINTIFF OPERATING A BICYCLE AT NIGHT WITHOUT A LIGHT OR REFLECTORS IN THE AREA OF 3RD STREET AND BROADWAY IN DOWNTOWN PHOENIX.

DEFENDANT RICHARD FLIRMAN ACTING UNDER COLOR OF STATE LAW OPERATED THE PATROL CAR'S OVERHEAD LIGHTS TO CONDUCT A "ROUTINE" TRAFFIC STOP WITH PLAINTIFF A BICYCLIST. DEFENDANT TODD GUILFORD ACTING UNDER COLOR OF STATE LAW ORDERED PLAINTIFF TO SIT ON THE CURB WHILE DEFENDANTS CONDUCTED A RECORDS CHECK. PLAINTIFF IS ALLEGING THAT THE TWO DEFENDANTS' ACTION'S OF NEGLIGENCE OF FAILING TO EXERCISE DUE CARE OF PLAINTIFF'S RIGHTS WHEN PERFORMING THEIR DUTY'S WHEN CONDUCTING A "ROUTINE" TRAFFIC STOP WITH A BICYCLIST.

BECAUSE PLAINTIFF WAS STOPPED FOR A BICYCLE INFRACTION THE TWO DEFENDANT'S SUBJECTED HIM TO AN UNREASONABLE SEARCH AND SEIZURE WITHOUT PROBABLE CAUSE. HERE THE TWO DEFENDANTS CLEARLY EXCEEDED THE PERMISSIBLE SCOPE OF THE INITIAL INVESTIGATORY DETENTION OF THE ORIGINAL PURPOSE OF THE STOP A BICYCLE INFRACTION. BECAUSE PLAINTIFF WAS ORDERED BY DEFENDANT TODD GUILFORD TO SIT ON THE CURB PRIOR TO THE INTERROGATION AND THE RECORDS CHECK HE WAS SEIZED. THE TWO DEFENDANT'S NEGLECT OF THEIR DUTY'S NEITHER INDICATED THAT PLAINTIFF COULD LEAVE THE CURB OR TOLD HIM HE WAS FREE TO LEAVE. THIS DEFENDANT'S DETAINED PLAINTIFF ILLEGALLY WITHOUT PROBABLE CAUSE. PLAINTIFF DID NOT FEEL THAT HE WAS FREE TO LEAVE SINCE THE PURPOSE OF THE TRAFFIC STOP WERE OVER PRIOR TO THE INTERROGATION, YET THE

TWO DEFENDANT'S STILL DID NOT TELL HIM HE COULD GET OFF THE CURB, STOP QUESTIONING HIM, OR OTHERWISE INDICATE ANYTHING BUT CONTINUED DETENTION. THE DEFENDANT'S NEGLIGENCE IN DUE CARE OF THEIR DUTY'S TO UP HOLD THE LAW ACTED GROSSLY IN THEIR CONDUIT OF ILLEGALLY DETAINING PLAINTIFF BEYOND THE TIME NECESSARY TO PERFORM THEIR LEGITIMATE FUNCTIONS OF A ROUTINE TRAFFIC STOP OF A BICYCLE INFRACTION, SINCE THERE WAS NO LAWFUL PURPOSE OR PROBABLE CAUSE TO CONTINUE TO DETAIN AND SEARCH PLAINTIFF FOR CONTRABAND. HERE THE TWO DEFENDANTS RECKLESSNESS OF ORDERING PLAINTIFF TO SUBMIT TO A SEARCH OF HIS PERSON OR EFFECT'S SEIZING CONTRABAND WITHOUT JUSTIFICATION OR PROBABLE CAUSE IN ORDER TO CHARGE PLAINTIFF WITH A COMMISSION OF A CRIME AND TO ASSIST IN THE CRIMINAL PROSECUTION, VIOLATES PLAINTIFF'S IV AMENDMENT OF THE UNITED STATES CONSTITUTIONAL RIGHTS OF THE PEOPLE TO BE SECURE IN THEIR PERSON AND EFFECTS AGAINST UNREASONABLE SEARCHES AND SEIZURES SHALL NOT BE VIOLATED, BUT UPON PROBABLE CAUSE. BECAUSE OF THE TWO DEFENDANTS TODD GUILFORD AND RICHARD FURMAN ACTING WITH RECKLESSNESS AND NEGLECT OF THEIR DUTY'S CAUSED PLAINTIFF DAMAGES OF FALSE ARREST, FALSE IMPRISONMENT, LOSS OF HIS JOB WITH SUPER COOL HEATING AND COOLING, HIS TATTOO BUSINESS AND TATTOO EQUIPMENT, MENTAL ANGUISH, AND SLANDER. FOR THE FACTS STATED HERE IN COUNT (1) ONE PLAINTIFF HUMBLY SEEKS JUDGMENT BY A JURY THAT FINDS THE TWO DEFENDANTS TODD GUILFORD AND RICHARD FURMAN LIABLE FOR THEIR NEGLECT OF DUTY'S AND GROSSLY UNREASONABLE ACTIONS.

SEARCH AND SEIZURE AND THAT BOTH DEFENDANTS COMMITTED THESE ACT'S UNDER COLOR OF STATE LAW. PLAINTIFF ALSO HUMBLY SEEKS JUDGMENT BY A JURY THAT ENTITLES HIM TO MONETARY RELIEF OF COMPENSATORY, PUNITIVE, DISCRETIONARY, AND LIBEL PER SE SCANDER DAMAGES FROM EACH DEFENDANT TERRA GUILFORD AND RICHARD FURMAN AND ANYONE JOINTLY INVOLVED IN THIS ACTION. THAT THE COURT SEEEMS JUST AND EQUITABLE.

COUNT II

1. State the constitutional or other federal civil right that was violated: U.S. CONSTITUTION, EIGHT AMENDMENT; PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT INFILCTED.

2. Count II. Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>FALSE ARREST AND FALSE IMPRISONMENT</u> | |

3. Supporting Facts. State as briefly as possible the FACTS supporting Count II. Describe exactly what **each** Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THIS IS A CIVIL ACTION AUTHORIZED BY U.S.C. SECTION 1983 TO REDRESS OR ESTABLISH THAT PLAINTIFF WAS DEPRIVED OF A RIGHT SECURED BY THE CONSTITUTION OR LAW OF THE UNITED STATES AND THAT THE ALLEGED DEPRIVATION WAS COMMITTED UNDER COLOR OF STATE LAW. THIS CIVIL ACTION INVOLVES A CASE THAT WAS ON GOING FROM OCT. 19, 2011 TO THE FINAL DISPOSITION OF JUDGMENT BY A JUDGE'S RULING OF THE CASE DISMISSED - FULL CR. 2012119438 - OCT. 04 OS/22/2014. HERE PLAINTIFF IS ALLEGING THAT THE TWO DEFENDANTS TODD GUILFORD #8083 AND RICHARD FURMAN #8068 ARE BOTH CITY OF PHOENIX POLICE OFFICER'S AND RESIDENTS OF MARICOPA COUNTY. THEY ARE RESPONSIBLE FOR THE PROTECTION AND SERVICE OF THE CITIZENS IN MARICOPA AND THE CITY OF PHOENIX. PLAINTIFF IS ALLEGING THAT DEFENDANT'S TODD GUILFORD AND RICHARD FURMAN SPEARHEADED THE INVESTIGATION AND ASSISTED IN THE PROSECUTION OF THE CHARGES 1) COUNT POSSESSION OF DANGEROUS DRUGS AND 2) COUNT DRUG PARAPHERNALIA. ON OCT. 19, 2011 DEFENDANT TODD GUILFORD REPORTED IN CR. 2011-01807002 WHILE ON "ROUTINE" PATROL WITH DEFENDANT RICHARD FURMAN AT ABOUT 12:42 A.M. OBSERVED PLAINTIFF OPERATING A BICYCLE AT NIGHT WITHOUT A LIGHT OR REFLECTOR IN THE AREA OF 3RD ST. AND BROADWAY IN DOWNTOWN PHOENIX AS STATED IN COUNT(I) ONE, THE TWO.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

FALSE ARREST, FALSE IMPRISONMENT, LOSS OF JOB WITH SUPER COOL HEATING AND COOLING, LOSS OF TATTOO BUSINESS AND TATTOO EQUIPMENT, MENTAL ANGUISH, AND SCANDER.

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Count II? Yes No
- Did you appeal your request for relief on Count II to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. I COULD NOT FILE A CLAIM UNTIL THE FINAL JUDGMENT ON OS/22/14 WHEN I FILED A CLAIM WITH THE CITY OF PHOENIX RISK MANAGEMENT #14-0156-001 CLAIM WAS DENY'D ON 09/10/2014

DEFENDANT'S TODD GUILFORD AND RICHARD FURMAN'S ACTIONS OF NEGLIGENCE OF FAILING TO EXERCISE DUE CARE OF PLAINTIFF'S RIGHTS WHEN PERFORMING THEIR DUTY'S (WHICH CONSISTED A "ROUTINE" TRAFFIC STOP WITH A BICYCLIST BECAUSE PLAINTIFF WAS STOP FOR A BICYCLE INTERACTION) THE TWO DEFENDANTS SUBJECTED HIM TO AN UNREASONABLE SEARCH AND SEIZURE WITHOUT PROBABLE CAUSE THAT WHICH LED TO THE DISCOVERY OF ILLEGAL CONTRABAND BY DEFENDANT RICHARD FURMAN. THE TWO DEFENDANTS THEN CHARGED PLAINTIFF WITH THE COMMISSION OF A CRIME WHEN TEST CAME BACK POSITIVE FOR A DANGEROUS DRUG. PLAINTIFF IS ALLEGING THAT DUE TO THE TWO DEFENDANT'S NEGLIGENCE IN VIOLATING PLAINTIFF'S RIGHTS OF THE 4TH AMENDMENT OF THE UNITED STATES LED TO HIS FALSE ARREST AND FALSE IMPRISONMENT ON ABOUT 01/29/2012 WHERE PLAINTIFF WAS ARRESTED AND PLACED IN CUSTODY IN THE CITY OF PHOENIX FOURTH AVENUE MAXIMUM SECURITY JAIL TO WAIT TRIAL. WHILE PLAINTIFF WAS IN CUSTODY HE HAD TO BE PLACED ON SUICIDE WATCH DUE TO A MENTAL BRAKE DOWN. PLAINTIFF WAS THEN RELEASED FROM CUSTODY ON ABOUT 11/14/2012 THIS RELEASE WAS DUE TO A MOTION FOR AUTOMATIC RELEASE FROM CUSTODY. DUE TO THE CITY OF PHOENIX COUNTY ATTORNEY'S FAILURE TO HOLD A PRELIMINARY HEARING IN THE TIME ALLOWED BY ARIZONA RULES OF CRIMINAL PROCEDURES. THE CITY OF PHOENIX COUNTY ATTORNEY WITH THE ASSISTANCE OF THE TWO DEFENDANTS TODD GUILFORD AND RICHARD FURMAN REFILED SAID CHARGES TO PROSECUTE PLAINTIFF. PLAINTIFF WAS AGAIN BACK IN CUSTODY ON 06/10/2013 AWAITING

TRIAL WHICH ON 05/22/2014 IN THE SUPERIOR COURT THE JUDGE ORDERED THE CASE DISMISSED - FULL PLAINTIFF IS ALLEGING THAT THE DEFENDANTS RECKLESSNESS ACTIONS VIOLATED PLAINTIFF'S U.S. CIVIL AMENDMENT RIGHT TO BE FREE FROM UNREASONABLE SEARCHES AND SEIZURES AS STATED IN COUNT (1) ONE OF THIS ACTION. DUE TO PLAINTIFF'S FALSE ARREST AND FALSE IMPRISONMENT TO AWAIT TRIAL. PLAINTIFF ALLEGES AN U.S. C. VIII AMENDMENT VIOLATION DUE TO THE TWO DEFENDANTS NEGLECT IN VIOLATING HIS RIGHTS WHICH PLAINTIFF IN AN UNLAWFUL DETENTION AND ARREST. FOR THE FACTS STATED CAUSED PLAINTIFF DAMAGES OF FALSE ARREST, FALSE IMPRISONMENT, MENTAL ANGUISH, LOSS OF HIS JOB WITH SUPER COOL HEATING AND COOLING, HIS TATTOO BUSINESS AND TATTOO EQUIPMENT AND SLANDER. HERE PLAINTIFF HUMBLY SEEKS JUDGMENT BY A JURY THAT FINDS THE DEFENDANTS TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE JOINTLY INVOLVED IN THIS ACTION LIABLE FOR THEIR NEGLIGENCE THAT LED TO THE VIOLATION OF PLAINTIFF'S U.S.C. VIII EIGHT AMENDMENT OF FALSE ARREST AND IMPRISONMENT WITHOUT PROBABLE CAUSE OR JUSTIFICATION AND THAT THEIR ACTIONS WERE COMMITTED UNDER COLOR OF STATE LAW. PLAINTIFF ALSO HUMBLY SEEKS JUDGMENT BY A JURY THAT ENTITLES HIM TO MONETARY RELIEF OF COMPENSATORY, PUNITIVE, DISCRETIONARY AND LIBEL PER SE SLANDER DAMAGES FROM EACH DEFENDANT TODD GUILFORD, RICHARD FURMAN, AND THE CITY OF PHOENIX AS AN ENTITY OR PUBLIC EMPLOYEE AND ANYONE JOINTLY INVOLVED IN THIS ACTION THE COURT SEEKS JUST AND EQUITABLE.

COUNT III

1. State the constitutional or other federal civil right that was violated: U.S. CONSTITUTION 14TH AMENDMENT SECTION 1. DEPRIVE ANY PERSON OF LIBERTY OR EQUAL PROTECTION WITHOUT DUE PROCESS OF LAW.

2. Count III. Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>THE PROCESS AND EQUAL PROTECTION, LIBERTY - LAW.</u> | |

3. Supporting Facts. State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THIS IS A CIVIL ACTION AUTHORIZED BY U.S.C. SECTION 1983 TO REDRESS OR ESTABLISH THAT PLAINTIFF WAS DEPRIVED OF A RIGHT SECURED BY THE CONSTITUTION OR LAW OF THE UNITED STATES. AND THAT THE ALLEGED DEPRIVATION WAS COMMITTED UNDER COLOR OF STATE LAW, FACTS OF U.S.C. XIV AMENDMENT VIOLATION COMMITTED BY SAID DEFENDANTS IN THIS ACTION AS STATED IN COUNT I, AND IN COUNT II ON OCT. 19, 2011 DEFENDANTS TODD GUILFORD AND RICHARD FURMAN TWO CITY OF PHOENIX POLICE OFFICER'S ACTION WITH NEGLECT VIOLATED PLAINTIFF'S RIGHTS WHEN CONDUCTING A ROUTINE TRAFFIC STOP FOR A BICYCLE INFRACTION. FIRST OF ALL DEFENDANT T. TODD GUILFORD NEGLECT IN HIS DUTY'S WILFULLY ACCUSED PLAINTIFF OF VIOLATING A.R.S. SECTION 128-1595(B) A MOTOR VEHICLE STATUTE COMPLETELY INAPPLICABLE TO A BICYCLIST. SECOND DEFENDANT T. TODD GUILFORD EXCEEDED THE PERMISSIBLE SCOPE OF THE INITIAL INVESTIGATORY DETENTION BY DETAINING PLAINTIFF BEYOND THE TIME NECESSARY TO PERFORM HIS LEGITIMATE FUNCTIONS OF THE ORIGINAL PURPOSE OF THE STOP. A BICYCLE INFRACTION VIOLATES PLAINTIFF'S DUE PROCESS BECAUSE ONCE THE RECORDS CHECK WAS COMPLETE THE ONLY NO WARRANTS OR OTHER CUSTODY HELDS OF ANY KIND WAS REQUIRED TO END HIS DETENTION. INSTEAD DEFENDANTS NEGLECT OF PLAINTIFF'S RIGHTS AND AFTER CONFIRMING NO WARRANTS OR OTHER CUSTODY HELDS EXISTED FOR PLAINTIFF THE TWO DEFENDANTS T. TODD GUILFORD.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

FALSE ARREST, FALSE IMPRISONMENT, MENTAL ANGUISH, LOSS OF JOB WITH SUPER COOL HEATING AND COOLING, LOSS OF TATTOO BUSINESS AND TATTOO EQUIPMENT, AND SLAUGHTER.

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count III? Yes No
- c. Did you appeal your request for relief on Count III to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. I CANNOT FILE A CLAIM UNTIL THE FINAL JUDGMENT ON 05/22/14 WHEN I FILED A CLAIM WITH THE CITY OF PHOENIX RISK MANAGEMENT #14-0156-CCL CLAIM WAS DENIED ON 08/10/2014

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

AND RICHARD FURMAN WENT ON A FISHING EXPEDITION TO ASK QUESTIONS COMPLETELY UNRELATED TO THE ORIGINAL PURPOSE OF THE STOP. A BICYCLE INFRACTION. IN ESSENCE, THEIR SUSPICIONS WERE DISPelled THE MOMENT THE BACKGROUND CHECK WAS COMPLETE AND THEY CONFIRMED THAT THE BICYCLE HAD NO LIGHTS OR REFLECTORS. BECAUSE NOT A SINGLE SUKEL OF EVIDENCE EXISTED TO SUPPLY THE TWO DEFENDANTS WITH REASONABLE SUSPICION OR PROBABLE CAUSE TO CONTINUE TO DETAIN AND SEARCH PLAINTIFF FOR WEAPONS OR CONTRABAND. THUS VIOLATING PLAINTIFFS U.S.C. §14 AMENDMENT RIGHT OF DUE PROCESS AND EQUAL PROTECTION OF LAW. THE TWO DEFENDANTS TODD GUILFORD AND RICHARD FURMAN ACTING WITH NEGLECT OF THEIR DUTY'S FAILED TO READ PLAINTIFF HIS MIRANDA WARNINGS BEFORE QUESTIONING HIM ABOUT WHAT WAS ON HIS PERSON OR EFFECTS VIOLATED PLAINTIFFS DUE PROCESS RIGHTS AND EQUAL PROTECTION OF THE U.S.C. §14 AMENDMENT. DEFENDANT RICHARD FURMAN ACTIONS OF NEGLECT OF HIS DUTY'S AND PLAINTIFFS RIGHTS EXCEED THE PERMISSIBLE SCOPE OF AN INITIAL INVESTIGATORY DETENTION JUST AS DEFENDANT TODD GUILFORD. DEFENDANTS GUILFORD ACTIONS AND NEGLECT OF HIS DUTY'S CONTINUED TO DETAIN PLAINTIFF FOR THE SOLE PURPOSE TO CONDUCT A SEARCH OF PLAINTIFFS PERSON AND EFFECTS WITHOUT DUE PROCESS OF HAVING PROBABLE CAUSE TO JUSTIFY THE INTRUSION. THUS VIOLATING PLAINTIFFS U.S.C. §14 AMENDMENT RIGHT SECTION I. PLAINTIFF ALLEGES THAT THE CITY OF PHOENIX COUNTY ATTORNEY HAD NO PROBABLE CAUSE TO JUSTIFY IMHOLDING PLAINTIFF IN CUSTODY TO AWAIT TRIAL. THUS VIOLATING PLAINTIFFS §14 AMENDMENT RIGHT OF THE UNITED STATES. PLAINTIFF IS ALSO ALLEGING THAT BECAUSE THE CITY OF PHOENIX

COUNTY ATTORNEY FAILED TO HOLD PRELIMINARY HEARING ON
AUGUST 21, 2012 VIOLATED PLAINTIFFS U.S.C. XIV AMENDMENT OF
DUE PROCESS OF LAW AND EQUAL PROTECTION OF ALL THE CITY OF
PHOENIX ARE RESPONSIBLE FOR THE PROTECTION OF THE CITIZEN'S
RIGHTS AND TO UPHOLD THE LAW AND THE SAID DEFENDANTS TODD
QUILFORD AND RICHARD FURMAN ARE EMPLOYEE'S OF THE CITY OF
PHOENIX POLICE DEPARTMENT HERE IN MARICOPA COUNTY THEY ARE
RESPONSIBLE FOR THE PROTECTION AND SERVICE OF THE CITIZEN'S
IN MARICOPA COUNTY AND THE CITY OF PHOENIX BECAUSE OF
THE NEGLECT OF THEIR DUTY'S TO UPHOLD THE LAW SAID DEFENDANTS
TODD QUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY
WEI EMPLOYEES OF THE CITY OF PHOENIX VIOLATED PLAINTIFFS U.S.C.
XIV AMENDMENT RIGHT CAUSING DAMAGES OF SLANDER, FALSE ARREST,
FALSE IMPRISONMENT, MENTAL ANGUISH, LOSS OF JOB WITH SUPER COOL
HEATING AND COOLING, HIS TATTOO BUSINESS, AND TATTOO EQUIPMENT
FOR THE FACTS STATED HERE IN COUNT II PLAINTIFF HUMBLY SEEKS JUDGMENT
BY A JURY THAT FINDS SAID DEFENDANTS TODD QUILFORD, RICHARD FURMAN
AND THE CITY OF PHOENIX AS AN ENTITY LIABLE FOR THEIR NEGLIGENCE IN DUE
CARE OF PLAINTIFF'S U.S.C. XIV AMENDMENT RIGHT VIOLATING IT DEPRIVING
PLAINTIFF OF LIBERTY WITHOUT DUE PROCESS AND EQUAL PROTECTION OF
LAW AND THAT SAID DEFENDANTS COMMITTED SAID ACT'S UNDER COLOR
OF STATE LAW. PLAINTIFF ALSO SEEKS HUMBLY JUDGMENT BY A JURY
THAT ENTITLES HIM TO MONETARY RELIEF OF COMPENSATORY, PUNITIVE,
DISCRETIONARY AND LIBEL PER SE SLANDED DAMAGES FROM EACH
DEFENDANT TODD QUILFORD, RICHARD FURMAN, AND THE CITY OF PHOENIX AS AN
ENTITY AND ANYONE JOINTLY INVOLVED IN THIS ACTION THE COURT SEEKS JUST AND EQUITABLE.

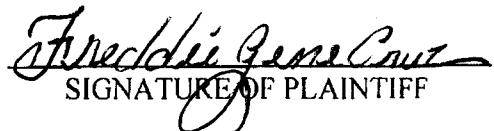
E. REQUEST FOR RELIEF

State the relief you are seeking:

IN COUNT(1) ONE FOR THE VIOLATION OF PLAINTIFF'S U.S. CONSTITUTIONAL RIGHTS OF
THE 4TH AMENDMENT COMMITTED BY SAID DEFENDANTS TONI CULFORN,
RICHARD FURMAN AND THE CITY OF PHOENIX OF UNREASONABLE SEARCHES AND
SEIZURES PLAINTIFF HUMBLY SEEKS MONETARY RELIEF OF COMPENSATORY
DAMAGES FOR A PREVEN INJURY OR LOSS: IN THE AMOUNT OF \$250,000 TWO
HUNDRED AND FIFTY THOUSAND, FROM EACH DEFENDANT JOINTLY INVOLVED
IN THIS ACTION. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT(1).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 09/18/2014
DATE


SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

ONE OF PUNITIVE DAMAGES FOR THE DEFENDANTS ACTIONS
OF RECKLESSNESS, MALICE, OR DECEIT DAMAGES ASSESSED
BY WAY OF PENALIZING THE WRONGDOER OR MAKING AN
EXAMPLE TO OTHERS IN THE AMOUNT OF \$300,000
THREE HUNDRED THOUSAND FROM EACH DEFENDANT JOINTLY
INVOLVED IN THIS ACTION NAMING TODD GUILFORD,
RICHARD FURMAN AND THE CITY OF PHOENIX AS AN
ENTITY OR EMPLOYEE'S OF THE CITY OF PHOENIX.

PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (I) ONE OF
DISCRETIONARY DAMAGES SUCH AS MENTAL ANGUISH OR PAIN
AND SUFFERING CAUSED BY SAID DEFENDANT'S IN THIS ACTION
IN THE AMOUNT OF \$150,000 ONE HUNDER AND FIFTY THOUSAND
FROM EACH DEFENDANT JOINTLY INVOLVED NAMING TODD
GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN
ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. PLAINTIFF
HUMBLY SEEKS MONETARY RELIEF IN COUNT (I) ONE OF LIBEL
PER SE SLANDER DAMAGES IN THE AMOUNT OF \$50,000
FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED
IN THIS ACTION NAMING TODD GUILFORD, RICHARD FURMAN
AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE
OF THE CITY OF PHOENIX. IN COUNT (II) TWO FOR
THE VIOLATION OF PLAINTIFFS U.S. CONSTITUTIONAL
RIGHT OF THE EIGHT AMENDMENT OF FALSE ARREST
AND FALSE IMPRISONMENT OR DETENTION COMMITTED
BY SAID DEFENDANTS TODD GUILFORD, RICHARD FURMAN
AND THE CITY OF PHOENIX AS AN ENTITY. PLAINTIFF

HUMBLY SEEKS MONETARY RELIEF OF COMPENSATORY DAMAGES FOR A PROVEN INJURY OR LOSS IN THE AMOUNT OF \$250,000 TWO HUNDRED AND FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION THAT THE COURTS SEEM JUST AND EQUITABLE. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (II) TWO OF PUNITIVE DAMAGES FOR THE DEFENDANTS ACTIONS OF RECKLESSNESS, MAJICE, OR DECEIT DAMAGES ASSESSED BY WAY OF PENALIZING THE WRONGDOER OR MAKING AN EXAMPLE TO OTHERS IN THE AMOUNT OF \$300,000 THREE HUNDRED THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. THAT THE COURTS SEEM JUST AND EQUITABLE. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (II) TWO OF DISCRETIONARY DAMAGES SUCH AS MENTAL ANGUISH OR PAIN AND SUFFERING CAUSED BY SAID DEFENDANTS IN THIS ACTION IN THE AMOUNT OF \$150,000 ONE HUNDRED AND FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (II) TWO OF LIBEL PER SE SLANDER DAMAGES IN THE AMOUNT OF

\$ 50,000 FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. IN COUNT (III) THREE FOR THE VIOLATION OF PLAINTIFFS U.S. CONSTITUTIONAL RIGHT OF THE XIV FOURTEENTH AMENDMENT OF DUE PROCESS, LIBERTY AND EQUAL PROTECTION OF LAW COMMITTED BY SAID DEFENDANTS TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF OF COMPENSATORY DAMAGES FOR A PROVEN INJURY OR LOSS IN THE AMOUNT OF \$ 250,000 TWO HUNDRED AND FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION THAT THE COURTS SEEM JUST AND EQUITABLE. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (III) THREE OF PUNITIVE DAMAGES FOR THE DEFENDANTS ACTIONS OF RECKLESSNESS, MALICE OR DECEIT DAMAGES ASSESSED BY WAY OF PENALIZING THE WRONGDOER OR MAKING AN EXAMPLE TO OTHERS IN THE AMOUNT OF \$ 300,000 THREE HUNDRED THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX THAT THE COURTS SEEM

JUST AND EQUITABLE. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (III) THREE OF DISCRETIONARY DAMAGES SUCH AS MENTAL ANGUISH OR PAIN AND SUFFERING CAUSED BY SAID DEFENDANTS IN THIS ACTION IN THE AMOUNT OF \$150,000 ONE HUNDRED AND FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED NAMING TODD GUILFORD, RICHARD FIRMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT III THREE OF LIBEL PER SE SLANDER DAMAGES IN THE AMOUNT OF \$50,000 FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TODD GUILFORD, RICHARD FIRMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX THAT THE COURTS SEEM JUST AND EQUITABLE.